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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,693	02/16/2001	Rocky Stewart	BEAS-01033USS	3894
7590	04/12/2006		EXAMINER	
Sheldon R. Meyer, Esq. FLIESLER DUBB MEYER & LOVEJOY, LLP Fourth Floor Four Embarcadero Center San Francisco, CA 94111-4156			CHANKONG, DOHM	
			ART UNIT	PAPER NUMBER
			2152	
DATE MAILED: 04/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/785,693	STEWART ET AL.
Examiner	Art Unit	
Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 January 2006.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1.2,4-12,14-20,22-24,28,30,31 and 34-39 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1.2,4-12,14-20,22-24,28,30,31 and 34-39 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
- Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

1> This action is in response to Applicant's amendment, filed 1.20.2006. Claims 1 and 11 are amended. Claims 21, 25-27, 29, 32 and 33 are cancelled. Claims 34-39 are added. Claims 1, 2, 4-12, 14-20, 22-24, 28, 30, 31 and 34-39 are presented for further examination.

2> This is a final rejection.

### *Response to Arguments*

3> Applicant's arguments with respect to claims 1, 2, 4-12, 14-20, 22-24, 28, 30, 31 and 34-39 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4> Claims 1, 2, 4, 5, 7, 11, 12, 14, 15, 17 and 22-33 are rejected under 35 U.S.C § 103(a) as being unpatentable over Meltzer et al, U.S Patent No. 6.226.675 ["Meltzer"], in view of Kuznetsov, U.S Patent No. 6.772.413.

5> As to claim 1, Meltzer discloses a conversation manager executing on an intermediate collaboration server for managing the flow of messages in a collaboration system, comprising:

a conversation initiation logic that initiates a conversation among participants, wherein said conversation is a collective set of messages exchanged according to an extensible protocol, wherein said extensible protocol provides the ability to specify both a routing information and business protocol used by a participant in said conversation [column 2 «lines 31-44» | column 6 «lines 29-61» | column 7 «lines 6-16» | column 10 «lines 60-65» | column 27 «line 65» to column 28 «line 14» | column 80 «lines 22-44» where: Meltzer's documents are analogous to messages, the interaction between the Meltzer's participants is analogous to a conversation, and the use and creation of new business interface definitions extend the messaging protocol between participating members];

a participation registration logic that registers said participants in said conversation [Figure 13 | column 5 «lines 20-30» | column 8 «lines 62-64»]; and

a conversation repository that stores conversation management data, wherein said conversation management data is used to manage said conversation among said participants [column 5 «lines 20-30» | column 10 «line 66» to column 11 «line 10»].

However, Meltzer does not expressly disclose that the routing information is specified by the participant in a header of the extensible protocol, a plurality of business protocol handlers, a plurality of decoders, or a transport configured to accept messages using any of the different business protocols.

6> In the same field of invention, Kuznetsov is directed towards providing multi-protocol support for data exchange between businesses [column 2 «lines 2-23» | column 4 «line 66» to column 5 «line 3»]. Kuznetsov discloses an extensible protocol specifying routing information in a header of the extensible protocol [column 9 «lines 58-66»]; a plurality of business protocol handlers, each of which are configured to use a different business protocol [column 5 «lines 21-42» | column 10 «lines 24-67»]; a plurality of decoders that identify protocol-specific headers in the messages and assign the messages to an appropriate business protocol handler [column 9 «line 58» to column 10 «line 34»]; and a transport configured to accept messages from the participants using any of the different business protocols, identify the business protocol being used, and invoke one or more of said plurality of decoders to communicate the messages between a first participant using a first protocol, and a second participant using a second protocol [column 6 «lines 51-62» | column 7 «lines 63-66» | column 8 «lines 8-19» | column 10 «lines 24-46»].

Kuznetsov utilizes the above functionality to enable data communication between two business users who utilize disparate protocols or formats [column 8 «lines 8-19»]. Meltzer does not expressly disclose this functionality and thus would benefit from Kuznetsov's multiprotocol capability. It would have been obvious to one of ordinary skill in the art to improve Meltzer by incorporating Kuznetsov's teachings such that disparate users may communicate even if both utilize different business protocols.

7> As to claim 2, Meltzer discloses the conversation manager of claim 1 wherein the conversation manager controls the flow of said conversation between the participants [column 6 «lines 29-36» | column 9 «lines 35-44»].

8> As to claim 4, Meltzer discloses the conversation manager of claim 1 wherein the conversation manager controls a publish/subscribe service for accepting said messages and sending said messages to and from said participants [column 22 «lines 17-20» | column 23 «lines 10-16»].

9> As to claim 5, Meltzer discloses the conversation manager of claim 4 wherein a registered participant sends said messages to the publish/subscribe service for distribution to one or more said participants [column 9 «lines 35-44» | column 22 «lines 17-20»].

10> As to claim 7, Meltzer discloses the conversation manager of claim 5 wherein the conversation repository includes instructions for the distribution of said messages sent via the publish/subscribe service to the participants [column 5 «lines 20-30» | column 6 «line 62» to column 7 «line 5»].

11> Claims 11, 12, 14, 15 and 17, as they are merely claims to methods that describe the steps implemented by the conversation manager of claims 1, 2, 4, 5 and 7, respectively, they do not teach or further define over the limitations. Therefore, claims 11, 12, 14, 15 and 17 are rejected for the same reasons set forth for claims 1, 2, 4, 5 and 7, supra.

12> As to claim 22, Meltzer discloses the conversation manager of claim 1 wherein said participants define routing and filtering for said messages [column 5 «lines 20-30»].

13> As to claim 23, Meltzer discloses the conversation manager of claim 1 further comprising a module to apply content transformation for said messages [column 23 «lines 17-30»].

14> As to claim 24, Meltzer discloses the conversation manager of claim 1 wherein said participants handle the implementation of their own business process with rules defined locally in addition to rules defined by said information and said business protocols [column 3 «lines 1-18» | column 7 «line 55» to column 8 «line 15» | column 11 «lines 11-17»].

15> As to claim 28, Meltzer discloses the conversation manager of claim 1 wherein said conversation repository comprises information related to said business protocols, identifiers for said conversation identifiers for said participants, identifiers for said messages and said messages [column 5 «lines 20-30» | column 6 «lines 3-16» | column 6 «line 66» to column 7 «line 5» | column 7 «lines 55-66» | column 27 «lines 18-33»].

16> As to claim 30, Meltzer discloses the conversation manager of claim 1 wherein said protocol further allows quality of service parameters for each message [column 17 «lines 56-64» | column 28 «lines 57-65»].

17> As to claim 31, Meltzer discloses the conversation manager of claim 1 wherein said conversation initiation mechanism initiates a plurality of concurrent conversations among participants [column 22 «lines 17-20» | column 23 «lines 10-16»].

18> Claims 6, 8, 9, 16, 18 and 19 are rejected under 35 U.S.C § 103(a) as being unpatentable over Meltzer, in view of Borwankar.

19> As to claim 6, Meltzer does disclose that any participants can initiate a conversation amongst each other [column 10 «lines 46-49»] but does not explicitly disclose the conversation manager wherein said conversation is initiated by an initiator participant authorized to initiate conversation.

20> Borwankar discloses a conversation manager wherein said conversation is initiated by an initiator participant authorized to initiate conversation [column 8 «lines 61-65»]. It would have been obvious to one of ordinary skill in the art to implement one participant who is authorized to initiate a conversation as taught by Borwankar into Meltzer's conversation system to simplify the conversation initiation process by designating one participant who is solely responsible for initiation of the conversation.

21> As to claim 8, Meltzer does not explicitly disclose the conversation manager wherein said conversation is terminated by a terminator participant authorized to terminate said conversation among all said participants.

22> Borwankar discloses the conversation manager wherein said conversation is terminated by a terminator participant authorized to terminate said conversation among all said participants [column 9 «lines 16-18 and lines 40-43»]. It would have been obvious to one of ordinary skill in the art to implement one participant who is authorized to terminate a conversation as taught by Borwankar into Meltzer's conversation system to simplify the conversation termination process by designating one participant who is solely responsible for termination of the conversation.

23> As to claim 9, Meltzer does not explicitly disclose the conversation manager wherein said conversation is aborted by the conversation manager at any time by sending abort messages to said participants.

24> Borwankar discloses the conversation manager wherein said conversation is aborted by the conversation manager at any time by sending abort messages to said participants [column 3 «lines 45-63» | column 17 «lines 25-36» where: Borwankar's termination message is analogous to an abort message]. It would have been obvious to one of ordinary skill in the art to include Borwankar's abort messages into Meltzer's conversation system to allow a participant to abort participation in a conversation with another participant.

25> Claims 16, 18 and 19 as they are merely claims to methods that describe the steps implemented by the conversation manager of claims 6, 8 and 9, respectively, they do not teach or further define over the limitations. Therefore, claims 16, 18 and 19 are rejected for the same reasons set forth for claims 6, 8 and 9, supra.

26> Claims 10 and 20 are rejected under 35 U.S.C § 103(a) as being unpatentable over Meltzer and Borwankar, in further view of Pinard et al, U.S Patent No. 6.230.287 ["Pinard"].

27> As to claim 10, Meltzer does not teach a conversation manager wherein participant in an aborted conversation may be compensated for automatically by a substitute participant.

28> Pinard teaches a conversation manager wherein participant in an aborted conversation may be compensated for automatically by a substitute participant [column 5 «line 66» to column 6 «line 4»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include participant substitution functionality into Meltzer so the next participant can be connected to Meltzer's marketplace [column 78 «lines 5-7» | column 80 «lines 26-31»] with minimal delay.

29> Claim 20 is a claim to a method that performs the steps of the machine of claim 10. Therefore, claim 20 is rejected for the same reasons as set forth for claim 10.

30> Claims 34-39 are rejected under 35 U.S.C § 103(a) as being unpatentable over Meltzer and Kuznetsov, in further view of Burridge, U.S Patent No. 6.446.116.

31> It should be noted that the limitation "thereby allowing said conversation to use multiple URLs to support multiple business protocols" does not limit the invention because it is merely a recitation of the invention's intended use. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.

32> As to claims 34-37, Meltzer and Kuznetsov do not expressly disclose that the business protocol is identified by a URL used by the participants to communicate with said conversation, thereby allowing said conversation to use multiple URLs to support multiple business protocols or that each collaboration space and business protocol combination is subsequently identified by a unique URL.

33> In the same field of invention, Burridge is directed towards a system for enabling collaboration between users that is independent of the users' underlying network protocols [column 1 «lines 49-53»]. Burridge discloses a collaboration space between users, each space being a collection of messages between the users [column 4 «lines 6-16»]. Burridge implements such a system by utilizing URLs to identify user protocols and the collaboration spaces of the users and each collaboration space and business protocol combination is subsequently identified by a unique URL [column 6 «line 59» to column 7 «line 29»]. It

would have been obvious to one of ordinary skill in the art to modify Meltzer and Kuznetsov's system by incorporating Burridge's URL functionality to enable collaboration between users. Burridge's URL specifies the particular protocols used by the users. In combination with Meltzer, who is concerned with interoperability between businesses and their protocols, it would have been obvious to modify Burridge to incorporate each business' desired protocol to enable efficient communication between each of the businesses.

34> As to claims 38 and 39, as they do not teach or further define over the previously claimed limitations, they are similarly rejected for at least the same reasons set forth in claims 1, 34 and 35, supra.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



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SUPERVISORY PATENT EXAMINER